

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

Richard Fort,

Case No. 1:16 CV 1449

Petitioner,

ORDER ADOPTING
REPORT AND RECOMMENDATION

-vs-

JUDGE JACK ZOUHARY

Brigham Sloan,

Respondent.

This Court has reviewed the Magistrate Judge's July 15, 2016 Report and Recommendation ("R&R") (*see* Doc. 10). The R&R recommends Fort's Petition (Doc. 1) be transferred to the United States Court of Appeals for the Sixth Circuit

Under 28 U.S.C. § 636(b)(1), a party must serve written objections to an R&R within fourteen (14) days of being served with the R&R. If a party timely objects, this Court reviews *de novo* the portions of the R&R to which objections were made. If a party does not timely object, the party waives *de novo* review by the district court. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Sullivan*, 431 F.3d 976, 984 (6th Cir. 2005).

Fort's deadline for filing objections has passed, and this Court has received no requests for extension. The R&R accurately states the facts and law. This Court adopts the R&R in full.

This action is hereby transferred to the United States Court of Appeals for the Sixth Circuit. Further, this Court certifies an appeal from this decision could not be taken in good faith and there is no basis upon which to issue a certificate of appealability. 28 U.S.C. § 2253(c).

IT IS SO ORDERED.

s/ Jack Zouhary
JACK ZOUHARY
U.S. DISTRICT JUDGE

August 5, 2016